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COMMITTEE ON THE EXERCISE OF THE INALIENABLE
RIGHTS OF THE PALESTINIAN PEOPLE

SUMMARY RECORD OF THE 194th MEETING

Held at Headquarters, New York,
on Thursday, 21 January 1993, at 10.30 a.m.

Chairman: Mr. CISSE (Senegal)

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The meeting was called to order at 10.55 a.m.

ADOPTION OF THE AGENDA

1. The agenda was adopted.

CONSIDERATION OF THE RECENT DEVELOPMENTS IN THE OCCUPIED PALESTINIAN TERRITORY

2. The CHAIRMAN invited the Committee to consider the serious situation in the occupied Palestinian territory arising from the decision of the Israeli authorities to deport 415 Palestinians from that territory, an action that was the more deplorable in view of the ongoing peace talks on the Middle East, where all parties were expected to demonstrate restraint and flexibility and refrain from acts detrimental to peace.

3. Israel's recourse to collective sanctions against the Palestinians from the occupied Palestinian territory constituted a grave violation of international law and in particular of the fourth Geneva Convention, article 49, paragraph 1, which prohibited the deportation of persons living in an occupied territory to any other territory for any reason.

4. He called upon Israel, the occupying Power, to respect international law and implement the fourth Geneva Convention in the Palestinian and Arab territories occupied since June 1967, including Jerusalem. Israel must implement Security Council resolution 799 (1992), which demanded the safe and immediate return to the occupied territories of all those deported. He hoped that the international community would shoulder its responsibilities in the face of Israel's intransigence and its refusal to implement the resolution, which had dangerous consequences for the peace process. On behalf of the Committee, he called upon the Security Council to take prompt action to implement its resolution.

5. The Committee had taken note of the various statements adopted by the non-aligned countries, the Islamic Conference, the European Community and the Arab Coordination Meeting requesting Israel to comply with the Security Council resolution and allow the deportees to return.

6. Mr. AL-KIDWA (Observer for Palestine) expressed the hoped that the year 1993 would witness the extension of peace in the Middle East and the achievement of justice for the Palestinians.

7. As Permanent Observer of Palestine to the United Nations, he had on 8 January 1993 sent a detailed letter on the deportees' situation to the Secretary-General and to the President of the Security Council. The letter, which had been issued as document A/47/858-S/25075, began by giving particulars of Israel's deportation of more than 400 Palestinian civilians from the occupied Palestinian territory on 17 December 1992, an unconscionable act on the part of a Member of the United Nations, and went on to deal with the question of deportation in general, which was the subject of 11 Security

(Mr. Al-Kidwa, Observer, Palestine)

Council resolutions and was held by the fourth Geneva Convention to be a grave violation of international law. The letter concluded by stating that the deportation of the Palestinians on 17 December was just such a violation, flouted many Security Council resolutions and various human rights instruments. Moreover, the concept of deportation was parallel to that of "transfer" and other racist ideas, such as ethnic cleansing. It constituted a form of collective punishment, and the peace process could not succeed as long as it went on. The international community was duty-bound to compel Israel, a Member of the United Nations, to abide by its obligations under Article 25 of the Charter and to guarantee respect for international law, especially the fourth Geneva Convention. It was Palestine's firm belief that the Security Council must adopt a new resolution under Chapter VII of the Charter to ensure Israel's acceptance of previous resolutions, especially resolution 799 (1992).

8. Since 8 January, various developments had taken place. Arab Ministers for Foreign Affairs had met in Cairo and issued a firm statement calling on the Security Council to apply the Charter, including Chapter VII, and a similar statement had been issued by the Organization of the Islamic Conference. International condemnation of the Israeli position had been mounting, and many States had asked the Security Council to implement its resolution 799 (1992). The situation of the deportees had deteriorated, as indeed had conditions within the occupied Palestinian territory: Israeli occupation forces had shot and killed 10 Palestinian children under 17 years of age during January 1993. Although the Secretary-General had sent his Special Representative, Mr. Gharekhan, to Israel for a second time, it was clear that Israel meant to hold unswervingly to its position.

9. His delegation understood that the Secretary-General was to submit a report to the Security Council before the end of the current week. Accordingly, it was only fitting that the Committee should take a stand that would contribute effectively to an international effort to compel Israel to pay heed to world opinion and comply with resolution 799 (1992). He believed that the Security Council had a clear duty to ensure that resolution's implementation by adopting a new resolution under Chapter VII of the Charter imposing sanctions on Israel until such time as it abided by, and implemented, the initial resolution. Should the Council fail to do so, it would lose all credibility in the eyes of the Arab and Islamic world, in much of the third world and in all peace-loving countries.

10. In the current situation, to pursue the Madrid peace process would be tantamount to declaring that international law, including Security Council resolutions and international treaties, did not apply to Israel and the Middle Eastern conflict. A just and lasting settlement of that conflict was illusory so long as its achievement was left to the military might of the parties.

11. The matter under discussion was of grave concern and had many dimensions: human rights, international law, the possibility of achieving peace in the Middle East, and the very foundations of the New World Order. It could have far-reaching repercussions on Arab societies. The position of the

(Mr. Al-Kidwa, Observer, Palestine)

Permanent Observer Mission of Palestine was clear: it supported absolutely the proposed statement, which would send the right signal to other parts of the United Nations system as to their duty to foster compliance with international law.

12. Mr. KHOUINI (Tunisia) supported the issue of the draft statement, which would be the least the Committee could do in the circumstances. The deportees' plight was worsening: they were suffering from cold, malnutrition and illness. The adoption of the draft statement could be followed by action on the part of other United Nations bodies, and would in fact put pressure on them to take such action.

13. Mr. SREENIVASAN (India) expressed his delegation's frustration that the draft declaration was being considered so long after the onset of the events to which it related, whereas work on the matter among the non-aligned members of the Security Council had begun in December 1992.

14. India's position was well known. It had voted for resolution 799 (1992) and had worked with other delegations to determine what more could be done when the implementation of that resolution had been frustrated. It supported the draft statement, which, by reflecting the near-unanimous view of the international community that Israel's actions were a grave violation of the norms of international conduct, would strengthen the hand of the Security Council. He suggested, however, that the word "continuing" should be added before the word "efforts" in the first sentence of the third paragraph, since those efforts were not yet concluded.

15. Mr. KOUYATE (Guinea) said that the plight of the Palestinian deportees reflected Israel's obstinate refusal to accept peace. His delegation was pleased that the Committee had convened to consider the draft statement, which it supported. On a drafting point, however, he thought that the second sentence of the draft statement should speak of Security Council resolutions which "demand", rather than "have demanded", that Israel should refrain from deporting Palestinians.

16. Mr. AL-NI'MAH (Observer for Qatar) said that the voices of nations were raised in condemnation of Israel's decision to deport hundreds of Palestinians. Israel must end its intransigence and allow the deportees to return home. In the light of the progress achieved in liberating people from oppression and enabling them to exercise their right to self-determination, all nations must protest Israel's violation of its obligations.

17. The Palestinian people had suffered from Israeli oppression, intransigence and terror for decades, yet Israel had refused to heed all condemnations of its aggression. The statement by the Observer for Palestine had described the current situation clearly and accurately. He had appealed to the international community to do at least the minimum dictated by conscience on behalf of the deportees and to call upon Israel to restore the rights of the Palestinian people.

(Mr. Al-Ni'Mah, Observer, Qatar)

18. His delegation strongly supported the draft statement, which represented a clear appeal to the Security Council to fulfil its mandate.

19. Mr. MORENO FERNANDEZ (Cuba) said that the action taken by the Israeli authorities in December 1992 in deporting over 400 Palestinians and the situation arising out of that illegal act had not only an essentially human dimension, but an important political dimension as well. The Committee, the highest authority in the United Nations for the restoration of the legitimate rights of the Palestinian people, had responsibility for both the humanitarian and political aspects.

20. For over a year, almost all Security Council action in the face of repeated violations by Israel of international law had been constrained on the pretext that the Madrid peace negotiations under way might be thwarted, but that argument was no longer valid. Israel had shown that it did not share the same level of interest in the peace talks as the rest of the international community. If the Security Council was to avoid a double standard, where it took vigorous action in some cases and none at all in others, it must take definitive action in that situation, based on Chapter VII of the Charter.

21. His delegation fully supported the draft statement and the amendments made by the representatives of India and Guinea. The Committee should be prepared to meet whenever necessary, in order to exert due pressure on other United Nations bodies to act against continuing violations of international law by Israel.

22. Mr. MAHMOOD (Pakistan) said that his Government was concerned by the shocking conditions in which the deported Palestinians were living and the fact that they had been denied humanitarian assistance. It called for more rapid action by the international community to implement Security Council resolution 799 (1992) and to avoid future illegal action. His delegation gave its wholehearted support to the draft statement.

23. Mr. MAHMOUD (Observer for Lebanon) said that it was time for the Security Council to act to put an end to Israel's unique status as a nation that considered itself outside international law. Lebanon had been a victim of such discrimination; 15 years after their adoption, Security Council resolutions concerning the occupation of southern Lebanon still had not been implemented.

24. His delegation suggested that the last sentence of the first paragraph should be amended to read "it is also in flagrant violation of the sovereignty and territorial integrity of Lebanon, and is contrary to the Charter of the United Nations and the principles of international law". In the second line of the second paragraph, the words "this violation" should be replaced by "these violations".

25. Mr. GHAFOORZAN (Afghanistan) said that his Government had issued a statement condemning the deportations as a flagrant violation of all norms of international law.

26. In the fourth paragraph of the statement, two different subjects were being addressed: the actual cause of the situation, which was the act of deportation, and its consequences - the inhuman situation of the deportees. He therefore suggested that, in the seventh line of the fourth paragraph, after the word "responsibility", the phrase "for the unlawful and repressive action and" should be inserted, and, after the word "situation", the phrase "brought about as a result of it" should be added. In the sixth line of the final paragraph, the measures referred to would be temporary, the ultimate objective being to find a durable solution to the Palestinian question. The temporary measures would consist in providing appropriate protection to the Palestinians in the occupied territories. Accordingly, the following words should be added at the end of the text: "until a permanent, durable and just solution is found to the question based upon the United Nations Security Council and General Assembly resolutions."

27. Mr. El-AMRANI (Observer for Morocco) said that the position of his country on the Palestinian issue was well known, and that his delegation supported the draft statement before the Committee.

28. The CHAIRMAN said he took it that the Committee wished to adopt the text of the draft statement as amended.

29. It was so decided.

30. Mr. AL-KIDWA (Observer for Palestine) said that his delegation was grateful for the support for Palestinian people expressed by the Committee. He hoped that the Committee would continue to take an interest in the deportees and would work for further action in the Security Council on that question.

The meeting rose at 12.20 p.m.